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INSECURITY

Of a Printed Overture for an Act for the Church's Security.

THE Presbyterian Government of the Church of Scotland, has the best and strongest Legal Security, by the *Claim of Right*, in the late happy and never-to-be-forgotten Revolution ; and by the Acts of Parliament made in Pursuance thereof, that ever it had. Both the Commission by their first Address, and the Parliament, by Ordering this Overture to be Printed, do acknowledge, *That in case an Union with England, in the Terms of the Treaty, be entered into ; the Presbyterian Government in Scotland needs a Further Security.* This cannot but infer, that the Church is in danger by the said Union : and that the Matter ought to be deliberately and carefully weighed : *For omnis mutatio subita est periculosa.* And if former Foundations be shaken or Removed, Great Care ought to be taken, that Solid and Substantial ones be substituted in their Place.

Let it then be considered, If the Security offered by this Overture will effectually secure the Church of Scotland, upon that Supposed Event, and countervail the Weakning former Securities.

1st. The Overture narrates, *That by the Act for a Treatie of Union, It is provided, That no Alteration of the Worship, Discipline and Government, as now by Law established, be treated of.* But there is no Provision against Treating of a Security for the Worship, Discipline and Government of the Church of Scotland ; which upon an Union, did manifestly need the same : And yet there is no mention of any such Security ; but upon the contrary, there is, by the Treaty, a sufficient Security provided for the Church of England, and her Hierarchy, which as manifestly had no need thereof. And this is plain, from the Qualifications of the Successor, calculated for the Security of the

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Church of England, by the Acts of that Parliament, and the Oaths required by these Acts, to be taken by all the Members of the United Parliament of Britain.

2d. The 5th. Act 1 Parl. K. W. and Q. M. is confirmed by the Overture, with the other Acts relating thereto, pursuant to the Claim of Right. But neither is the Act, *Declaring it High-Treason to impugn the Claim of Right*, which is its Fence, Confirmed; nor are these other Acts relating thereto, specified: Nor yet are some other Anterior Acts taken away, which stand unrepealed, and are inconsistent with the Security of Presbyterian Government, ready to be condescended on.

3d. The Terms in which Presbyterian Government is Confirm'd by the Overture, viz: *That it shall continue to the People of this Land*: may be judged, not to be Repugnant unto the Reduction of the Legal Establishment of Presbytrie in Scotland, unto a Toleration to Presbytrie by the Parliament of Britain: Since, in that Case, it shall still remain to the People of this Land. And where it is said, *That it shall be the only Government of the Church within the Kingdom of Scotland*. It may be pretended, that the Obligation doth cease, when Scotland, by the Union, ceases to be a Kingdom.

4th. If the Claim of Right, which is the present Legal Foundation of Presbytrie, should be shaken or unhinged, as evidently it must be by this Union; then Presbytrie, and all the Acts made in Favours thereof, pursuant to the said Claim of Right, must fall, or be rendred unsecure.

5th. Professors, Principals and Masters, &c. are to Own the Civil Government, in manner to be prescribed; which must be understood of the new Prescriptions of the Parliament of Britain, whereby the Members of this Church shall be exposed to the Dangers, testified against by the Commission, in the 2d. and 6th. Articles of their Address.

6th. These Professors, &c. are to Qualifie themselves, with Respect to the Doctrine and Government of the Church, before the Presbytrie of their Bounds: But there is no Court or Authority provided, for declaring the Nullity of their Gift, or Irritancy of their Presentation, in case they should refuse, or neglect so to qualifie themselves.

7th. The Overture makes no Provision against the Incapacities of the Sacramental Test, the Continuance of which, is the first Grievance

ance complained of by the Commission in their Address, and where by there would be kept up a perpetual Mark of Distinction, between the Subjects of the United Kingdoms, extremely Dishonourable to this Nation, and prejudicial to this Church.

8th. The Subjects of this Kingdom are by the Overture, excem'd from any Oath, Test or Subscription, inconsistent with Presbytrie: But it is not specified, who shall judge of or declare the said Inconsistency; which indeed properly belongs to a General Assembly. But if it be left to the Imposers, the Church is in no manner secured by this Clause, from the Danger of new Oaths, Represented in the second Article of the Commissions Address.

9th. The foresaid Exemption from Oaths, Tests, &c. to the Subjects of this Kingdom, is restricted by the Overture, within the Bounds of this Kingdom: Whence must ensue a disgraceful Inequality upon the Subjects of this Kingdom, who are of the Communion of this Church, and a great Disadvantage to the Church: In regard, that these of the Communion of the Church of *England* shall be capable of bearing any Office in *Scotland*; but these of the Communion of the Church of *Scotland* shall be debarred from all Trust or Benefit, without the Bounds of *Scotland*; for which such Oaths and Tests may qualify over all *Britain*:

10th. Tho the Overture provide, *That the Succeeding Sovereign shall swear to maintain the Government of this Church*: Yet it determines not how, or by whom that Coronation Oath shall be Administered. Beside that these words (*Succeeding in the Royal Government of this Kingdom*) must lose their Signification and meaning, and so may elude the Obligation; when the Denomination of Royal Government and Kingdom ceases as to both *England* and *Scotland*; and is swallowed up in that of *Great Britain*: whilst in the mean time, all is by the Treaty adapted unto, and Calculated for *England*; and the Obligations of the lesser must yeild to, and be extinguished in those of the greater.

11th. There is no Provision made by the Overture, to prevent the Prejudice which the Church will suffer, thro' the want of a Commission, or Court for Plantations, Valuations, Redressing Grievances, &c. as is held forth in the 4th Article. Nor any Relief given as to the Scruples that arise from the Oath of Abjuration, as exprest in the 5th Article of the Commissions Address.

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12th. Let any Thinking Person say what possible Security can be contriv'd or made secure, for the very Being or Subsisting of this Church, in the Event of a Treaty taking place, whereby a Surrender is made of the Parliament, and Civil Constitution of this Kingdom, and the Management of all Affairs Ecclesiastical and Civil, or what can be made Essential and Fundamental, given up to the *English* Parliament, where all must submit to whatever the Government or Parliament of *Britain* shall, by a Plurality, think fit to declare to be the Common Interest of the United Empire; which none shall dare to impugn under the pains of Treason: There being no co-ordinat Authority provided or retain'd, as Guarantee of the Separate Interests of the Church of *Scotland*, to claim Her Reserved Rights, and to impede, challenge or quarrel any Infringement that may be made.

Not to mention the Unavoidableness of a Toleration by Law to Abjured Prelacy, in the Event of such an Union, as is fram'd by this Treaty; upon which the Growth of Error and Prophaneness, Licentiousness and Dissaffection, Confusion and Disorder in this Church and Nation, even to the Destruction and Ruine of the present Legal Establishment, in a Separate State, much more when United and Incorporated with *England*, would ensue; as cannot but be obvious to any who considers our far Different Circumstances from those of *England*, with Respect to Toleration; and observes how insolent and numerous, Papists and other Dissenters have been, and still are, upon the hopes of a Toleration.

It is the positive Judgment of Our ablest Lawyers, That if our Parliament could by Plurality of Voices, overturn Fundamentals, and destroy the very Being of our Parliament: It can never be possible to secure our Parliament, when it is joined in with the Parliament of *England*, into one Parliament of *Great Britain*; so as that the Parliament of *Great Britain* may not, by the Plurality of Voices, likewise overturn any Fundamentals that shall be condescended on.

And they add, that the Fundamental Constitution and Privileges of Parliament are not Subject to Suffrage, and cannot be Abrogated nor Innovated without the universal Consent of all its Members and Commissioners; and of these, also from whom they have Received their Commission.

They say further, that if a Parliament should Enslave their Kingdom to a Foreigner, the People might by a Subsequent Election disown

disown the Perfidy.--- Nor does their Commission impower them to ordain, that there shall be no Future Parliaments; and when they exceed their Commissions, they are no more Members of Parliament; and therefore what they do is Null.

And another Eminent Judge in this Nation hath expressed himself thus, Governours are Administrators to the Republick, and can only Administrate Power, so far as it is Devolved upon them. This Devolution may be exprest and Recorded; but it is far oftner Tacite and presum'd; and if they go beyond the Bounds of their Mandate, the Act is Null. Now, no Man did; nor indeed can Legally give a Power or Mandate to destroy himself; that being Self-Fellony, against Nature, and contrar to the Author of Nature; and yet much less can such a Power or Mandate be Tacitely Granted or presumed, as being contrar to Law, Reason and Religion. From whence it follows, That no Governours or Administrators can Legally agree to such a Treaty or Alliance as will destroy the Body Politick it Self: And therefore such an Act is Null in it self, and also must fall, *ex impotentia agentis*. And so GOD determined, when a Child did Vow without the Parents Consent. Numb. 30. 5.

These are Truths in Sense and Law, in Reason and Religion, which can never be Controyerted, but upon principles of Tyranny, and Arbitrary Rule, inconsistent with, and contrary to the Just freedom of all Christian States and Societies of Mankind. Which if they should obtain amongst Us, and thereby our Parliament be Destroyed, our free Independent Monarchy Suppressed, and the Constitution and very Being of our Civil Government Dissolved; Then all the Acts of our Parliaments, and all its Claims of Right may undergo the same Fate; and then Adieu to Presbytrie, and all its Securities.

Since then the Civil and Religious Rights and Interests of this Church and Nation are so Intwisted; Since the Converting of our Free and Separate Parliament, unto so unequal, Diminutive and Dishonourable a Representation, as is projected in the Treaty, is indeed a Parliamentary Abdication, a Frank Surrender unto England, a dissolving of this ancient Government, & such a Revolution as the like hath never been known, or thought of by any Free Unconquered Nation upon Earth till now: Since every thing by it, that is not absolutely Ruin'd, becomes Precarious: Since the Communication of Trade (the boasted

boasted Bait !) as managed in the Treaty, is like to become a Mein of accelerating the Nation's utter Beggary: Since the General Declared Sense and Sentiment of the Nation, runs so mightily against this Proposed Scheme of an Union ; that the very Fears of it are like to cause a most dreadful Convulsion ! It is humbly hoped, that GOD may direct the Right Honourable Estates of Parliament, to some Happy Expedient, for quieting the Minds of People, and preventing apprehended Mischiefs and Ruine. And that no Union with *England* may be concluded, till the General Assembly of this National Church be Called; who have an Unquestionable Right to be Consulted, upon so important a Concern; and in ways competent to them to Consider, and advert to their own Securities: And till the Reasonable Part of the Nation, be convinced, That the Terms of Incorporating with *England*, are Honourable, Advantageous, and Safe.

OVERTURE

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For an Act for Security of the Church:

OUR SOVEREIGN LADY, and the Estates of Parliament, Considering, That by the late Act of Parliament, For a Treaty with England for an Union of both Kingdoms, It is provided, That the Commissioners for that Treaty, should not Treat of, or concerning any Alteration of the Worship, Discipline and Government of the Church of this Kingdom, as now by Law Established; Which Treaty being now Reported to the Parliament, and it being reasonable and necessary, That the true Protestant Religion, as presently professed within this Kingdom, with the Worship, Discipline and Government of this Church, should be Effectually and Unalterably Secured; Therefore, Her Majesty, with Advice and Consent of the said Estates of Parliament, Doth hereby Establish and Confirm the said true Protestant Religion, and the Worship, Discipline and Government of this Church, to continue without any Alteration to the People of this Land in all succeeding Generations; and more especially, Her Majesty with Advice and Consent foresaid, Ratifies; Approves, and for ever Confirms the 5th Act of the 1st Parliament K. W. and Q. M. Intituled, Act Ratifying the Confession of Faith, and settling Presbyterian Church Government, with the hail other Acts of Parliament Relating thereto, in Prosecution of the Declaration of the Estates of this Kingdom, containing the Claim of Right, bearing date the 11th of April 1689. And Her Majesty, with Advice and Consent foresaid, expressly Provides and Declares, That the foresaid True Protestant Religion, contained in the above-mentioned Confession of Faith, with the Form and Purity of Worship presently in Use within this Church, and its Presbyterian Church Government and Discipline, That is to say, The Government of the Church by Kirk-Sessions, Presbyteries, Provincial-Synods and General-Assemblies, all Established by the foresaid Acts of Parliament, pursuant to the Claim of Right, shall Remain and Continue Unalterable; and that the said Presbyterian Government shall be the only Government of the Church within the Kingdom of Scotland. And further, for the greater Security of the foresaid Protestant Religion, and of the Worship, Discipline and Government of this Church as above Established, Her Majesty, with Advice and
Consent

Consent foresaid, Statutes and Ordains, That, in all time coming, no Professors, Principals, Regents. Masters or others bearing Office in any University, College or School within this Kingdom, be Capable, or be Admitted or allowed to Continue in the Exercise of their said Functions, but such as shall Own and Acknowledge the Civil Government, in manner prescribed, or to be prescribed by the Acts of Parliament. As also, That before or at their Admissions, they do and shall Acknowledge and Profess, and shall Subscribe to the foresaid Confession of Faith, as the Confession of their Faith, and and that they will practise and conform themselves to the Worship presently in use in this Church, and Submit themselves to the Government and Discipline thereof, and never endeavour directly or indirectly the Prejudice or Subversion of the same, and that before the respective Presbyteries of their Bounds, by whatsoever Gift, Presentation or Provision they may be thereto Provided. And further, Her Majesty, with Advice foresaid, expressly Declares and Statutes, That none of the Subjects of this Kingdom shall be lyable to, but all and every one of them for ever free of any Oath, Test or Subscription within this Kingdom, contrary to, or inconsistent with the foresaid True Protestant Religion and Presbyterian Church Government, Worship and Discipline as above Established, and that the same within the Bounds of this Church and Kingdom shall never be imposed upon, or required of them in any Sort. And lastly, That after the Decease of Her present Majesty, (whom GOD long preserve.) The Sovereign succeeding to Her in the Royal Government of this Kingdom, shall in all time coming, at His or Her Accession to the Crown, Swear and Subscribe; that they shall Maintain and Preserve the foresaid Settlement of the True Protestant Religion, with the Government, Worship and Discipline of this Church as above Established, inviolably. And it is hereby Statute and Ordained, That this Act of Parliament, with the Establishment therein contained, shall be held and observed, in all time coming, as a Fundamental and Essential Condition of any Treaty or Union to be Concluded betwixt the two Kingdoms, without any Alteration thereof, or Derogation thereto in any sort for ever. As also, That this Act of Parliament, and Settlement therein contained, shall be insert and repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid Treaty or Union betwixt the two Kingdoms, and that the same shall be therein expressly Declared to be a Fundamental and Essential Condition of the said Treaty or Union in all time coming.

